

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

JUL 10 2003

IN THE MATTER OF:

PETITION OF NPCR, INC.,)	
D/B/A NEXTEL PARTNERS FOR)	CASE NO. 2003-00143
DESIGNATION AS AN ELIGIBLE)	
TELECOMMUNICATIONS CARRIER IN)	
THE COMMONWEALTH OF KENTUCKY)	

COMMENTS

Come Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc., and the Independent Telephone Group,¹ by counsel, and having been granted full intervention in this proceeding by the Commission's Order dated July 9, 2003, submits herewith its comments:

1. The proceeding will require both findings of fact and the determination of the public interest. Based upon what has been filed with the Commission, substantial questions of both fact and policy remain unaddressed regarding the ability of Nextel Partners ("Petitioning Carrier") to demonstrate that it should be designated as an ETC in the requested service areas. Because this proceeding presents questions not previously before the Commission which must be closely examined and resolved, any action should come only after the Commission and interested parties have conducted an investigation into the merits and need for multiple ETCs in areas served by Rural Telephone Companies in Kentucky. At the very least,

¹ An association of rural telephone companies consisting of Ballard Rural Telephone Cooperative Corporation, Inc.; Brandenburg Telephone Company; Coalfields Telephone Company; Duo County Telephone Cooperative Corporation, Inc.; Foothills Rural Telephone Cooperative Corporation, Inc.; Highland Telephone Cooperative, Inc.; Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; North Central Cooperative Corporation; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc.; Thacker-Grigsby Telephone Company, Incorporated and West Kentucky Rural Telephone Cooperative Corporation, Inc.

the Commission should undertake a proceeding to rigorously review the facts and policy implications. For example, such investigation should include, among others, examination of the following issues:

- (a) Whether the Petitioning Carrier can adequately demonstrate that it satisfies the service offering requirements which are the prerequisites of ETC designation;
- (b) The factors to be considered in determining the public interest related to potential multiple ETCs in Rural Telephone Company service areas;
- (c) What potential harm and benefits to rural subscribers may be the result of designating multiple ETCs;
- (d) What regulatory requirements and oversight should a potential wireless carrier ETC be subject to as a condition of ETC designation;
- (e) Whether the public interest requires the application of regulatory requirements to wireless carrier ETCs such as rate review, tariff filing, recordkeeping, service and cost reporting, and service quality;
- (f) The impact on Federal Universal Service Fund levels and on potential Kentucky universal service plans, assuming that a state universal service fund may be required;
- (g) What the level of local usage should be for wireless carriers' service offerings as a condition of ETC designation.

2. Accordingly, a Procedural Schedule should be developed giving these intervenors an opportunity to submit initial data requests to the applicant, to submit a second round of data requests to the applicant, and sufficient time thereafter to determine whether or not to request a hearing. At the present time the Order of the Commission dated July 9, 2003, requires a request for a hearing to be made no later than August 5, 2003. Intervenors respectfully suggest that the first round of data requests should be filed by August 8, the applicant should be given to August 22 to respond thereto, the second round of data requests should be submitted by September 5, the petitioner should be permitted to respond by September 19, and any party who

desires a hearing should request the same in writing no later than September 30. Intervenors respectfully suggest that the Commission's Order of July 9, 2003, should be modified to conform to the request herein.

STOLL, KEENON & PARK, LLP
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801
Telephone: (859) 231-3000

BY: Lindsey Ingram, Jr.
Lindsey Ingram, Jr.

ATTORNEYS FOR INTERVENORS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing pleading has been served by mailing same, postage prepaid, on this 23rd day of July, 2003, to the following:

David A. Pike, Esq.
Timothy R. Pickrel, Esq.
Stephen C. Lentz, Esq.
F. Keith Brown, Esq.
Pike Legal Group, PLLC
1578 Highway 44 East, Suite 6
P. O. Box 369
Shepherdsville, Kentucky 40265-0369

Ronald J. Jarvis, Esq.
Albert J. Catalano, Esq.
Catalano & Plache, PLLC
3221 M Street, N.W.
Washington, D.C. 20007


Elizabeth Schofield Brown, Esq.
Nextel Partners, Inc.
13405 Eastpoint Centre Drive, Ste. 100
Anchorage, Kentucky 40223

Donald J. Manning, Esq.
Vice President & General Counsel
NPCR, Inc.
d/b/a Nextel Partners
4500 Carillon Point
Kirkland, Washington 98033

W. Allen Gillum
Mountain Rural Telephone Coop. Corp.
d/b/a Mountain Telephone Long Distance
405 Main Street
P. O. Box 399
West Liberty, Kentucky 41472-0399

James Dean Liebman, Esq.
403 West Main Street
P.O. Box 478
Frankfort, Kentucky 40602

STOLL, KEENON & PARK, LLP

By 
Lindsey Ingram, Jr.